

GIBSON DUNN

# MEMO ENDORSED

June 20, 2014

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Gibson, Dunn & Crutcher LLP

200 Park Avenue  
New York, NY 10166-0198  
Tel 212.351.4000  
[www.gibsondunn.com](http://www.gibsondunn.com)

Orin Snyder  
Direct: +1 212.351.2400  
Fax: +1 212.351.6335  
OSnyder@gibsondunn.com

Client: 30993-00011

## BY ELECTRONIC MAIL

The Honorable Andrew L. Carter, Jr.  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 435  
New York, New York 10007

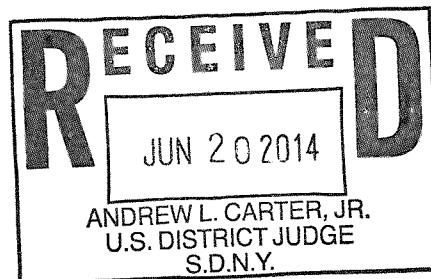
Re: United States v. Ceglia,  
12 Cr. 876 (ALC)

Dear Judge Carter:

We represent Facebook, Inc. ("Facebook") and Mark Zuckerberg, victims of the fraud perpetrated by Paul Ceglia, defendant in the above-referenced case. We respectfully submit this letter to request an opportunity to respond to Ceglia's pending application to issue subpoenas to our clients under Federal Rule of Criminal Procedure 17(c).

As Your Honor is aware, the Crime Victims' Rights Act affords crime victims like Facebook and Mr. Zuckerberg various participatory rights, including the statutory right to confer with the attorney for the Government. 18 U.S.C. § 3771(a)(5). In that regard, Assistant United States Attorney Echenberg advised us that defendant Ceglia has sought permission to issue subpoenas to our clients and to Harvard University for a large amount of electronic and hard-copy records. Those sought-after records include any and all bank records for accounts owned by or regularly used by Mr. Zuckerberg, or by companies owned or managed, in whole or in part by Mr. Zuckerberg, during the years 2003 and 2004, when he was a Harvard undergraduate. The proffered subpoenas also seek forensically sound copies of the entire contents of any and all computers, cell phones, and email accounts owned or regularly used by Mr. Zuckerberg during that same two-year period. AUSA Echenberg also advised us that the Government has requested permission to respond to Ceglia's application by June 30, 2014.

Pursuant to Rule 17(c)(3), we hereby respectfully seek permission to submit a letter to Your Honor addressing Ceglia's proffered subpoenas no later than the Government's requested deadline of June 30, 2014. We believe that hearing from our clients on this matter will assist the Court and also protect our clients' rights.

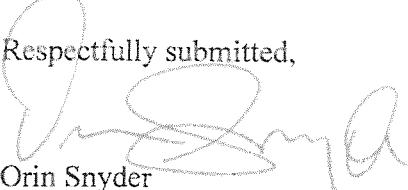


GIBSON DUNN

The Honorable Andrew L. Carter, Jr.  
June 20, 2014  
Page 2

We thank the Court for its kind consideration.

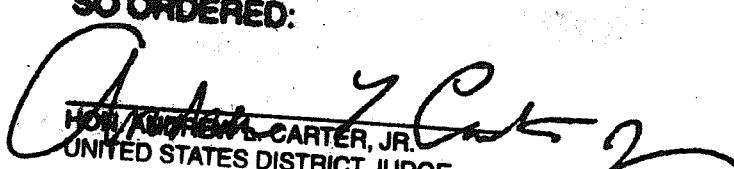
Respectfully submitted,

  
Orin Snyder

Alexander H. Southwell

cc: Christopher Frey, Assistant United States Attorney  
Janis Echenberg, Assistant United States Attorney  
David Patton, Esq.

**SO ORDERED:**

  
HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

6/26/14